

1 **COGBURN LAW OFFICES**

2 Jamie S. Cogburn, Esq.

3 Nevada Bar No. 8409

4 jsc@cogburnlaw.com

5 Joshua A. Dowling, Esq.

6 Nevada Bar No. 12956

7 jdowling@cogburnlaw.com

8 2879 St. Rose Parkway, Ste. 200

9 Henderson, Nevada 89052

10 Telephone: (702) 384-3616

11 Facsimile: (702) 966-3880

12 *Attorneys for Plaintiff*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT COURT OF NEVADA**

15 JUSTIN M. CAHILL, an individual;

16 Plaintiff,

17 vs.

18 LARRY A. KENT, an individual; DOE Individuals
19 1-10; and ROE Corporations 11-20;

20 Defendant.

21 Case Number: 2:15-cv-00468-RFB-CWH

22 **STIPULATION AND ORDER TO
23 EXTEND DISCOVERY DEADLINE FOR
24 LIMITED PURPOSE OF TAKING THE
25 DEPOSITION OF INVESTIGATOR
26 FROM ELITE INVESTIGATIONS**

27 Plaintiff, Justin Cahill, by and through his attorney of record, Jamie S. Cogburn, Esq.,
28 and Joshua A. Dowling, Esq. of Cogburn Law Offices and Defendant, Larry Kent, by and
1 through his attorney of record, George M. Ranalli, Esq. and Lawrence Phillips, Esq. with Ranalli
2 & Zaniel and Rahul Kulkarni, Esq. of Wilson, Elser Moskowitz Edelman & Dicker, LLP, hereby
3 stipulate and agree as follows:

4 **1. NATURE OF THE ACTION:**

5 This is an action for personal injuries arising from an incident occurring on February 13,
6 2013. Plaintiff alleges Defendant operated a Utility Task Vehicle (UTV), with Plaintiff as his
7 passenger, for the purpose of performing a test drive. Following said test drive, Defendant
8 allegedly attempted to drive the UTV and Defendant allegedly accelerated the UTV onto his
9 truck's trailer. Specifically, Defendant accelerated the UTV causing it to travel over the front of

1 his trailer and roll onto the ground. As a result, Plaintiff's right hand and wrist were crushed
2 between the UTV and the ground. Plaintiff was then administered first aid due to the
3 immediately apparent severity of his injuries. Thereafter, emergency medical personnel arrived
4 and placed Plaintiff on a gurney and transported him via ambulance to the hospital where he was
5 treated for severe and disfiguring right hand injuries. Plaintiff claims severe and extensive
6 injuries and damages as a result of the subject incident.
7

8 **2. DISCOVERY THAT HAS BEEN COMPLETED:**

9 The parties have exchanged FRCP 26(f) disclosures of documentary evidence and
10 witnesses, inclusive of Plaintiff's treatment records. In addition, the parties have completed the
11 following written discovery and depositions:
12

13 **Plaintiff, Justin Cahill:**

- 14 • Interrogatories to Defendant Larry Kent;
15 ○ Defendant Responded
16 ○ Supplemental Responses
17 • Request for Production of Documents to Defendant Larry Kent;
18 ○ Defendant Responded
19 • Request for Admissions to Defendant Larry Kent; and
20 ○ Defendant Responded
21 ○ Supplemental Responses
22 • Deposition of Defendant, Larry Kent.

23 **Defendant, Larry Kent:**

- 24 • Interrogatories to Plaintiff, Justin Cahill;
25 ○ Plaintiff Responded
26 ○ Supplemental Responses
27
28

- 1 • Request for Production of Documents to Plaintiff, Justin Cahill;
- 2 ○ Plaintiff Responded
- 3 ○ Supplemental Responses
- 4 • Request for Admissions to Plaintiff, Justin Cahill;
- 5 ○ Plaintiff Responded
- 6 • Deposition of Plaintiff, Justin Cahill;
- 7 • Deposition of Robert Winegarden;
- 8 • Deposition of Expert, Bill Uhl;
- 9 • Deposition of Expert, Stan Smith;
- 10 • Deposition of Expert, Steven Becker;
- 11 • Deposition of Expert, Colby Young, M.D.; and
- 12 • Deposition of Expert, Carl Williams, M.D.

15 **3. A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO**
16 **BE COMPLETED.**

- 17 • Deposition of PMK of Co-Operators Insurance;
- 18 • Deposition of Adjuster of Co-Operators Insurance;
- 19 • Deposition of Expert Timothy Logsdon; and
- 20 • Deposition of Investigator from Elite Investigations.

21 **4. THE REASONS WHY THE DISCOVERY REMAINING WAS NOT**
22 **COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCVOERY**
23 **ORDER.**

24 The parties have diligently worked on discovery in this matter. The discovery period
25 closed on February 11, 2016. On the same day discovery closed, Defense counsel produced
26 “Elite Investigation Report and Surveillance” referencing sub rosa video footage taken of
27 Plaintiff that was completed on March 3, 2015. Although Plaintiff’s counsel previously
28 requested the entire video taken of Plaintiff, all written notes of the investigator, all pictures and

any audio obtained by the investigator on February 12, 2015, Defense counsel produced the above-mentioned "Elite Investigation Report and Surveillance," with portions of video and audio missing from same, approximately one year later on February 11, 2016. Defendant supplemented the disclosure with what appears to be the entire investigation file on February 22, 2016. As such, the parties have agreed to extend the discovery deadline for the limited purpose of completing the deposition of the investigator from Elite Investigations.

5. THE PROPOSED SCHEDULE FOR COMPLETING THE DEPOSITION OF ELITE INVESTIGATIONS

The parties previously stipulated to allow certain discovery to take place after the discovery deadline, which was entered by this court on February 11, 2016 (#33). In addition to the previous stipulation, the parties would like to extend the deadline for discovery to be completed to April 1, 2016, for the limited purpose of completing the deposition of the investigator from Elite Investigations who performed the sub rosa on Plaintiff. No other Discovery would be contemplated other than what has been stipulated by the parties.

...

...

...

...

...

...

...

...

...

...

...

1 **CURRENT TRIAL DATE:**

2 There is no current trial date set.

3 All parties to this matter have agreed to the above terms of the stipulation and the dates of
4 the extension currently sought.

5 DATED this 7th day of March, 2016

6 DATED this 7th day of March, 2016

7 */s/ Jamie S. Cogburn*

8 Jamie S. Cogburn, Esq.
9 Nevada Bar No. 8409
10 Joshua A. Dowling, Esq.
11 Nevada Bar No. 12956
12 2879 St. Rose Parkway, Suite 200
13 Henderson, NV 89052
14 Attorneys for Plaintiff

15 */s/ Lawrence R. Phillips*

16 George M. Ranalli, Esq.
17 Nevada Bar No.: 5748
18 Lawrence R. Phillips, Esq.
19 Nevada Bar No.:7138
20 2400 West Horizon Ridge Parkway
21 Henderson, NV 89052
22 Attorneys for Defendant

23 DATED this 7th day of March, 2016

24 */s/ Rahul Kulkarni*

25 Rahul Kulkarni, Esq.
26 Nevada Bar No.: 10650
27 300 South Fourth Street – 11th Floor
28 Las Vegas, Nevada 89101
29 Attorney for Defendant

30 ...

31 ...

32 ...

33 ...

34 ...

35 ...

36 ...

37 ...

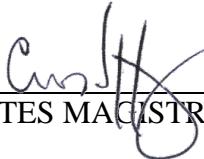
38 ...

1 STIPULATION AND ORDER TO
2 CONTINUE DISCOVERY
3 CAHILL V. KENT
4 2:15-cv-00468-RFB-CWH

5 **ORDER**

6 IT IS ORDERED Plaintiff's counsel is granted leave of court to take the deposition of the
7 investigator from Elite Investigations, who performed the sub rosa on Plaintiff.

8 IT IS SO ORDERED this 8 day of March, 2016.
9

10 
11 UNITED STATES MAGISTRATE JUDGE

12 SUBMITTED BY:

13 COGBURN LAW OFFICES

14 /s/ Jamie S. Cogburn

15 Jamie S. Cogburn, Esq.
16 Nevada Bar No. 8409
17 Joshua A. Dowling, Esq.
18 Nevada Bar No. 12956
19 2879 St. Rose Parkway, Suite 200
20 Henderson, NV 89052
21 Attorneys for Plaintiff